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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,739	10/27/2000	Naoto Kinjo	049390-5005	4534

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/697,739	KINJO, NAOTO	
	Examiner	Art Unit	
	Lin Ye	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 2-16 and 18-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11, 24-28, 35, 36, 39 and 40 is/are allowed.
- 6) ☒ Claim(s) 2-6, 12-16, 18-23, 29-34, 37, 38 and 41-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 filed on 11/28/05, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/13/05 has been entered.
2. Applicant's arguments with respect to claim 2-6, 12-16, 18-23, 29-34, 37-38 and 41-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 2-6, 15-16, 19-23, 32 and 41-47 are rejected under 35 U.S. C. 103(a) as being unpatentable over Murayama et al. U.S. Patent 5,128,708 in view of Honda et al. U.S. Patent 5,296,884 and Bush et al. U.S. Patent 6,064,433.

Referring to claim 2-5, the Murayama reference discloses in Figures 1 and 3, an image processing method, comprising the steps of capturing digital image data of a photographing scene in which a subject is photographed with a camera (e.g., the reference states the camera is also electronic still camera or video camera, so the digital image data is captured from a pick-up device, see Col. 6, lines 52-57 and Col. 3, lines 13-20), as well as, capturing camera information of said photographing scene (i.e., such as the photo-taking time, the day of the year and the information about presence/absence of the flash for the image signal, See Col. 4, lines 13-25) acquired or input in the camera when said subject is photographed; or optionally obtaining related information (i.e., such as color temperature, specifying the season of the year by calendar 35 based on the electronic clock 34, see Col.3, lines 57) related to said photographing scene based on at least one of said captured digital image data of said photographing scene and said captured camera information thereof; assuming (judging or specifying) said photographing scene by at least one of said camera information and said related information or by a combination with said digital image data and said at least one of said camera information and said related information (e.g., if the photo-taking time is between 15 to 19 clock time zone, the light source is assumed to be the daylight. If the photo-taking day is in November or December, the scene is assumed to be taken in the winter and not by ordinary daylight, See Col. 5, lines 31-43); and subjecting preset image processing (image processing for image reproduction) to said digital image data depending on said assumed photographing scene (the assumed photographing scene are saved as light source data 42, in later, the printer determines a color correction amount in accordance with the light source data 42 to improve the color reproduction by removing the influence of the

light source, see Col. 5, lines 49-60);, and said camera information of said photographing scene includes photographing information (photographing date and time), but the Murayama reference does not explicitly shows the camera information of said photographing scene also including **position information** captured in the camera and the **supplementary information** including **weather, event and map** information.

The Honda reference discloses in Figures 1, 3 and 7, the camera system including a built-in receiving circuit (10) which can receive Global Positioning System (GPS) information from satellites (See Col. 4, lines 28-31). The present position (location) information is determined by means of data determination unit (12, see Col. 4, lines 34-36). The camera system can capture the photographing date and time and photographing position and temperature, humidity information at the time of picture taking, weather and event, in addition to the place name itself together with a photographed image (See Col. 6, lines 49-50, Col. 5, lines 10-45 and Col. 6, lines 25-38); and said supplementary information includes map information (e.g., the Honda reference discloses the data determination circuit 12a can calculate the supplementary information such as the absolute location in terms of longitude, latitude and altitude, then selecting a place data corresponding to the absolute location through checking the place names and their respective area data stored in the determination unit 12. This can be considered as map information, see Col. 5, lines 24-30). The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system has more flexible options for capturing camera supplementary information relating to the camera information which including weather and event, in addition to the place name itself so that such information can be used for reproduction

information later as well as providing better search options for searching pictures later (Col. 6, lines 44-50), and it is obvious the weather and place data as supplementary data that can also help to judge the current temperature related to the current date/time more accurately. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the camera system of Murayama ('708) to providing position **information** captured in the camera and the supplementary information including **weather, event and map** information related to camera information as taught by Honda ('884).

The Murayama reference does not explicitly disclose the preset image processing as first image processing is subjected to said digital image data in a first region limited to said specified first subject.

The Bush reference discloses in Figures 1-3, an image processing apparatus comprising: capturing (image pickup device 1, See Col. 2, lines 66-67) digital image data of a photographing scene in which a first subject is photographed with a camera; preset image processing is first image processing depending on said specified first subject, and said first image processing is subjected to said digital image data in a first region limited to said specified first subject (the first select area is considered as a first region limited to the specified first subject; and the first select area or subject can be window area illuminated by daylight as shown in Figures 1-2. The first image processing is subjected for processing the selected area so as to adjust the brightness and/or color of the selected area, See Col. 2, lines 12-20). The Bush reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image processing system has a first image processing is subjected to said digital image data in a first region limited to said specified subject so that allowed the

system to accurately correct a luminance and chrominance aberrations with in the scene so as to render the image more acceptable (See col. 2, lines 33-38). For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the image processing system of Murayama ('708) to providing first image processing subjected to said digital image data in a first region limited to said specified first subject as taught by Bush ('433).

Referring to claim 6, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to claim 2; and the Bush reference discloses a color correction to said region limited to said specified subject as said preset image processing (See Col. 2, lines 12-20).

Referring to claim 15, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to claim 2, and the Murayama reference discloses wherein said processed image data obtained by subjecting said preset image processing to said digital image data is converted to print output image data outputted to a printer producing a print (See Col. 5, lines 44-60).

Referring to claim 16, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 2 and 15, except that the Murayama reference does not explicitly discloses a database which stores related information related to said digital image data of the photographing scene and said camera information.

The Honda reference discloses in Figures 1, 7, a camera system including a database (built-in ROM 5, see Col. 3, lines 45-52 and recording medium, see Col. 6, lines 25-30) for storing categories such as area, state, city, recorded place data and time data, the image can be selectively reproduced by the signal reproduction unit (21). The recorded data

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corresponding to the place and date/time inputted by operation board (21) is searched in response to the output of data comparison unit (23). The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system has a database for storing the camera information such as place of recording related to the digital image data of the photographing scene so that searching of records will be more easily. For that reason, it would have been obvious one of ordinary skill in the art to see the camera system including a database which stores related information related to the digital image data of the photographing scene and the camera information disclosed by Murayama.

Referring to claim 19, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 2 and 16.

Referring to claim 20, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 3 and 19.

Referring to claim 21, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 4 and 19.

Referring to claim 22, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 5 and 19.

Referring to claim 23, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 6 and 19.

Referring to claim 32, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 15 and 19.

Referring to claim 41, the Murayama, Honda and Bush references all subject matter as discussed with respected to same comment as with claims 16 and 32.

Referring to claim 42, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claim 2.

Referring to claim 43, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claim 2.

Referring to claim 44, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claim 2, and the Bush reference discloses said photographing scene further includes at least one second subject (e.g., second subject can be bulbs area) different from said specified first subject (window area) in addition to said specified first subject, said assuming step further includes a step of specifying said at least one second subject in said photographing scene from said camera information and said supplementary information of said combination, said preset image processing further includes at least one second image processing depending on said specified at least one second subject of said assumed situation in addition to said first image processing, and said at lest one second image processing is further subjected to said digital image data in at least one second region limited to said specified at least one second subject as said preset image processing (See Col. 1, lines 42-64 and Col. 2, lines 1-45).

Referring to claim 45, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claim 2, and the Bush reference discloses wherein said first subject is a principal subject (window area illuminated by daylight) as shown in Figures 1-2.

Referring to claim 46, the Murayama, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claim 44.

Referring to claim 47, the Murayama, Honda and Bush references disclose all subject matter as discussed with respect to same comment as with claim 45.

5. Claims 12, 14, 29, 31 and 37 are rejected under 35 U.S. C. 103(a) as being unpatentable over Murayama et al. U.S. Patent 5,128,708 in view of Nozaki et al. U.S. Patent 6,421,470.

Referring to claim 12, the Murayama reference discloses in Figures 1 and 3, an image processing method, comprising the steps of capturing digital image data of a photographing scene in which a subject is photographed with a camera (e.g., the reference states the camera is also electronic still camera or video camera, so the digital image data is captured from a pick-up device, see Col. 6, lines 52-57 and Col. 3, lines 13-20), as well as, capturing camera information of said photographing scene (i.e., such as the photo-taking time, the day of the year and the information about presence/absence of the flash for the image signal, See Col. 4, lines 13-25) acquired or input in the camera when said subject is photographed; or optionally obtaining related information (i.e., such as color temperature, specifying the season of the year by calendar 35 based on the electronic clock 34, see Col.3, lines 57) related to said photographing scene based on at least one of said captured digital image data of said photographing scene and said captured camera information thereof; assuming (judging or specifying) said photographing scene by at least one of said camera information and said related information or by a combination with said digital image data and said at least one of said camera information and said related information (e.g., if the photo-taking time is between 15 to 19 clock time zone, the light source is assumed to be the daylight. If the photo-taking day is in November or December, the scene is assumed to be taken in the winter

and not by ordinary daylight, See Col. 5, lines 31-43); and subjecting preset image processing (image processing for image reproduction) to said digital image data depending on said assumed photographing scene (the assumed photographing scene are saved as light source data 42, in later, the printer determines a color correction amount in accordance with the light source data 42 to improve the color reproduction by removing the influence of the light source, see Col. 5, lines 49-60), wherein said the camera information of said photographing scene includes a message information (a bar code data as the light source data 42 recorded with the image data, see Col. 5, lines 4-16 and lines 43-50) relating to said photographing scene, acquired or input in said camera and assigned to said digital image data (the reference states the image data can be either film or digital image data, See Col. 6, lines 53-57), said assuming step (e.g., judging the light source of photographing scene to be daylight or sunset) the of the photographing scene is a step of assuming (reading by bar code reader) the photographing scene from contents of said message information; and said preset image processing step (performing color correction processing based on the light source data 42) is a step of subjecting image processing by means of image processing conditions set in accordance with the assumed photographing scene (e.g., the image would be reproduced under correction in rather a yellowish when the daylight is low in color temperature, see Col. 5, lines 55-60). However, the Murayama reference does not explicitly show the message information is audio information.

The Nozaki teaches in Figures 1, 2 and 12, an image processing system contents a audio message information (voice code), and image processing set in accordance with the audio information (See, Col. 8, lines 8-14). The Nozaki reference is evidence that one of ordinary

skill in the art at the time to see more advantages for the image processing system contenting a audio information so that an image processing can be simply and reliably handling two different types of information, i.e., audio and image (See col. 2, lines 5-11). For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the image processing system of Murayama ('708) to providing audio information link with the photographing scene as taught by Nozaki ('470).

Referring to claim 14, the Murayama and Nozaki references disclose all subject matter as discussed with respected to same comment as with claim 12, and the Murayama reference discloses wherein said photographing scene is assumed by combining either of photographing information at the time of photographing, an image characteristics amount or principal subject information with said message information (e.g., the bar code information is light source data 42 that judged based on the photo-taking time, color temperature information and season information).

Referring to claim 29, the Murayama and Nozaki references disclose all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 31, the Murayama and Nozaki references disclose all subject matter as discussed with respected to same comment as with claim 14.

Referring to claim 37, the Murayama and Nozaki references disclose all subject matter as discussed with respected to same comment as with claim 12, and the Murayama reference discloses wherein said processed image data obtained by subjecting said preset image processing to said digital image data is converted to print output image data outputted to a printer producing a print, medium output image data utilized in recording to and reproducing

from a image data recording medium and communication image data utilized in communication via communication device(See Col. 5, lines 44-60).

6. Claims 13, 18 and 30 are rejected under 35 U.S. C. 103(a) as being unpatentable over Murayama et al. U.S. Patent 5,128,708 in view of Nozaki et al. U.S. Patent 6,421,470 and Honda et al. U.S. Patent 5,296,884.

Referring to claim 13, the Murayama and Nozaki references disclose all subject matter as discussed with respected to same comment as with claim 12, except that the Murayama reference does not show the message information is text information.

The Honda reference discloses in Figure 7, a camera system including text message information such as recoded place data or date/time data displayed with image data on the monitor (24) (See Col. 6, lines 25-38). The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system can have more flexible options by using text message information as relating to the photographing scene for image reproduction so that the photographer also can directly recognize the information without using additional hardware to read. For that reason, it would have been obvious one of ordinary skill in the art to see the message information also can be text information disclosed by Murayama.

Referring to claim 18, t the Murayama and Nozaki references disclose all subject matter as discussed with respected to same comment as with claim 29, except that the Murayama reference does not explicitly discloses a database which stores related information related to said digital image data of the photographing scene and said camera information.

The Honda reference discloses in Figures 1, 7, a camera system including a database (built-in ROM 5, see Col. 3, lines 45-52 and recording medium, see Col. 6, lines 25-30) for storing categories such as area, state, city, recorded place data and time data, the image can be selectively reproduced by the signal reproduction unit (21). The recorded data corresponding to the place and date/time inputted by operation board (21) is searched in response to the output of data comparison unit (23). The Honda reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system has a database for storing the camera information such as place of recording related to the digital image data of the photographing scene so that searching of records will be more easily. For that reason, it would have been obvious one of ordinary skill in the art to see the camera system including a database which stores related information related to the digital image data of the photographing scene and the camera information disclosed by Murayama.

Referring to claim 30, the Murayama and Nozaki references disclose all subject matter as discussed with respected to same comment as with claims 13 and 29.

7. Claims 33, 34, 38 and 48-55 are rejected under 35 U.S. C. 103(a) as being unpatentable over Murayama et al. U.S. Patent 5,128,708 in view of Nozaki et al. U.S. Patent 6,421,470, Honda et al. U.S. Patent 5,296,884 and Bush et al. U.S. Patent 6,064,433

Referring to claim 33, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 2, 15 and 18.

Referring to claim 34, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 2, 16 and 33.

Referring to claim 38, the Murayama and Honda references disclose all subject matter as discussed with respected to same comment as with claims 2, 16 and 37.

Referring to claim 48, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 2, 12 and 45.

Referring to claim 49, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 14 and 48.

Referring to claim 50, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claim 48, and the Honda reference discloses the message information is expressed by at least one word (e.g., place name), and said photographing scene is assumed by interpreting said at least one word (See Col. 5, lines 39-41).

Referring to claim 51, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 50 and 12.

Referring to claim 52, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 2, 12 and 45.

Referring to claim 53, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 14 and 52.

Referring to claim 54, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 50 and 52.

Referring to claim 55, the Murayama, Nozaki, Honda and Bush references disclose all subject matter as discussed with respected to same comment as with claims 50 and 29.

Allowable Subject Matter

8. Claims 7-11, 24-28, 35-36 and 39-40 allowed.

Please see the examiner's statement of reasons for allowance from previous Office
Action mailed on 04/14/2005.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Examiner
Art Unit 2615

January 6, 2006